

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

WYTH AUSTIN,

v.

THE CITY OF NEW YORK, POLICE OFFICER SASHA ROSEN, SHIELD NUMBER 1572, POLICE OFFICER FREDDY REYES, SHIELD NUMBER UNKNOWN, POLICE OFFICER "JOHN" RODRIGUEZ, SHIELD NUMBER UNKNOWN, POLICE OFFICER "JOHN" MILAN, SHIELD NUMBER UNKNOWN, AND SEVERAL UNIDENTIFIED POLICE OFFICERS.

TO: THE CITY OF NEW YORK c/o MICHAEL A. CARDOZO, CORPORATION COUNSEL,
100 CHURCH STREET, NEW YORK, NEW YORK 10007

POLICE OFFICER SASHA ROSEN, SHIELD NUMBER 1572,
c/o 33rd Precinct, 2207 Amsterdam Avenue, New York, New York 10032

POLICE OFFICER FREDDY REYES, SHIELD NUMBER UNKNOWN,
c/o 33rd Precinct, 2207 Amsterdam Avenue, New York, New York 10032

POLICE OFFICER "JOHN" RODRIGUEZ, SHIELD NUMBER UNKNOWN,
c/o 33rd Precinct, 2207 Amsterdam Avenue, New York, New York 10032

POLICE OFFICER "JOHN" MILAN, SHIELD NUMBER UNKNOWN,
c/o 33rd Precinct, 2207 Amsterdam Avenue, New York, New York 10032

YOU ARE HEREBY SUMMONED and required to filed with the Clerk of this Court

and serve upon PLAINTIFF'S ATTORNEY (name and address)

TRACIE A. SUNDACK & ASSOCIATES, L.L.C.
19 COURT STREET, 3RD FLOOR
WHITE PLAINS, NEW YORK 10601
914-946-8100

an Answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

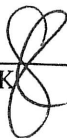
J. MICHAEL McMAHON

CLERK

DATE

7/7/2008

BY DEPUTY CLERK



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WYTH AUSTIN,

Plaintiff,

08-CV-6157 (NRB)

-against-

THE CITY OF NEW YORK, POLICE OFFICER SASHA
ROSEN, SHIELD NUMBER 1572, POLICE OFFICER
FREDDY REYES, SHIELD NUMBER UNKNOWN,
POLICE OFFICER "JOHN" RODRIGUEZ, SHIELD
NUMBER UNKNOWN, POLICE OFFICER "JOHN"
MILAN, SHIELD NUMBER UNKNOWN, AND
SEVERAL UNIDENTIFIED POLICE OFFICERS,

Defendants.
-----X

**COMPLAINT
AND JURY DEMAND**

ECF CASE

Plaintiff WYTH AUSTIN by his attorneys, TRACIE A. SUNDACK & ASSOCIATES,
L.L.C., complaining of Defendants THE CITY OF NEW YORK, POLICE OFFICER SASHA
ROSEN, SHIELD NUMBER 1572, POLICE OFFICER FREDDY REYES, SHIELD NUMBER
UNKNOWN, POLICE OFFICER "JOHN" RODRIGUEZ, SHIELD NUMBER UNKNOWN,
POLICE OFFICER "JOHN" MILAN, SHIELD NUMBER UNKNOWN, AND SEVERAL
UNIDENTIFIED POLICE OFFICERS, respectfully alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney's fees pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitutions of the State of New York and the United States. Plaintiff also asserts supplemental state law tort claims.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1988, and the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution.

3. Jurisdiction is founded under 28 U.S.C. §§ 1331, 1343 and 1367.

VENUE

4. Venue is properly laid in the Southern District of New York under U.S.C. § 1391(b), in